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March 6, 2000

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
12th Street Lobby  
Counter TW-A325  
Washington, D.C. 20554

**RECEIVED**  
**MAR 07 2000**  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

***Re: CC Docket No. 96-115, Telecommunications Carriers' Use of Customer Proprietary Network and Other Customer Information; CC Docket No. 96-98, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; CC Docket No. 99-273, Provision of Directory Listing Information Under the Telecommunications Act of 1934, As Amended***

***CC Docket No. 97-172, Petitions of SBC Communications Inc., Bell Atlantic, and BellSouth for Forbearance from Section 272 NDA Requirements***

**Ex Parte Communication**

Dear Ms. Salas:

We write on behalf of INFONXX, Inc. ("INFONXX"), a competitive directory assistance ("DA") provider, in connection with the Commission's consideration of rules to implement Section 251(b)(3) of the Communications Act as part of the NPRM in the above-captioned rulemaking proceeding and in connection with the petitions of SBC Communications Inc. ("SBC"), Bell Atlantic, and BellSouth seeking forbearance from the requirements of Section 272 of the Act regarding the provision of nonlocal directory assistance service. Recently, MCIWorldCom ("MCIW") submitted an *ex parte* letter detailing its problems obtaining nondiscriminatory access to the directory listing information controlled by various SBC operating companies.<sup>1</sup> We write to inform the Commission that MCIW is not alone in encountering difficulty in gaining access to this critical information from Bell companies.

<sup>1</sup> MCIWorldCom, Ex Parte Letter to Magalie Roman Salas, Secretary, Federal Communications Commission. CC Docket No. 99-273 (Feb. 2, 2000). Even though MCIWorldCom filed its letter in CC Docket No. 99-273, which concerns access to directory listing information, INFONXX believes that it also would be properly filed in CC Docket No. 97-172, which concerns the Section 272 forbearance petitions. Consequently, this letter is being filed in the dockets of both proceedings.

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INFONXX *Ex Parte* Communication  
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INFONXX can add to the record examples of its own problems in obtaining nondiscriminatory access to the directory listing information of Bell Atlantic and BellSouth. As is clear from the attached letters, Bell Atlantic and BellSouth continue to impede INFONXX's rightful access to directory listing information. The Commission, however, repeatedly has recognized that nondiscriminatory access is necessary for competition in the DA marketplace and is requisite to obtaining forbearance from the requirements of Section 272 in the provision of nonlocal directory assistance service. Accordingly, INFONXX respectfully requests that the attached letters from Bell Atlantic and BellSouth responding to Bill Korn, Chief Operating Officer of INFONXX, be made part of the record in all of the dockets listed above for the directory assistance information proceeding and for the proceeding concerning forbearance petitions.

\* \* \* \* \*

Please address any questions to the undersigned.

Sincerely,



Gerard J. Waldron

Mary Newcomer Williams

Russell Jessee\*

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*Counsel to INFONXX*

\* Member of the Bar of the Commonwealth of Virginia  
Not admitted to the Bar of the District of Columbia

cc: Service List

BELL SOUTH

Sidney J. White, Jr.  
General Attorney

BellSouth Telecommunications, Inc.  
Legal Department - Suite 4300  
675 West Peachtree Street  
Atlanta, Georgia 30375-0001  
Telephone: 404-335-0759  
Facsimile: 404-614-4054

January 24, 2000

Mr. Bill Korn  
Chief Operating Officer  
INFONxx  
3864 Courtney Street  
Suite 411  
Bethlehem, PA. 18017

Dear Mr. Korn:

I am in receipt of your letter to Mr. Gary D. Forsee, dated January 12, 2000. Mr. Forsee has forwarded the letter to me for response. I am the attorney in BellSouth responsible for BellSouth's Directory Assistance Database Service ("DADS") offering.

Your letter appears to be suggesting that INFONxx be relieved of its obligation to pay for the DADS service received from BellSouth under the company's state-approved tariffs. As you should know, BellSouth is legally obligated to charge and collect the tariffed rates for services provided. Thus, BellSouth cannot and will not agree to waive or forego the billing and collection of valid tariffed charges for services rendered to INFONxx.

Also, it is apparent from your letter that you seek to have BellSouth comply with certain cost imputation terms and conditions that have been previously imposed upon US West in conjunction with the FCC's Forbearance Order relating to that company's provision of National Directory Assistance ("NDA"). Your letter further implies that BellSouth could not comply with the US West Order terms and conditions under the current rates that we charge for our DADS offering. We disagree. As you know, BellSouth is awaiting an FCC order on its Forbearance Petition relating to its NDA offering, and we expect that order to be issued in the near future. BellSouth will of course comply with the lawful order of the FCC, but we expect nothing in the FCC order to affect the rates that we charge for our DADS offering. The FCC did require US West to impute to its non-local DA services the same amount that competing providers of DA services are charged for the DADS service. If the FCC imposes a similar requirement on BellSouth, we are prepared to comply with any such requirement and to impute to our non-local DA services the same tariffed DADS charges that are billed to INFONxx and other DADS customers of BellSouth.

We appreciate your letter in advance of the FCC order addressing our Forbearance Petition. If necessary once the order is issued, we will commence any activities required to bring BellSouth in compliance with the FCC order as issued. We assure you that the rates charged to INFONxx continue to be fair, just and reasonable and we thank you in advance for your continued business.

Sincerely,



Sid J. White, Jr.  
Senior Attorney

CC: Gary D. Forsee

**Thomas F. Moran**  
**Director - Operator Services Products**  
**1095 Avenue of Americas, Room 3632**  
**New York, NY 10036**



January 25, 2000

**Bill Korn**  
**Chief Operating Officer**  
**INFONXX**  
**3864 Courtney Street**  
**Bethlehem, PA 18107**

Dear Mr. Korn:

This letter is in response to your letter dated January 12, 2000 to Larry Babbio. As you know, Bell Atlantic has already offered to provide you with listings for directory assistance purposes on fair and reasonable terms, and we remain willing to do so. We are prepared to enter into an agreement on the same nondiscriminatory terms and conditions that have been offered to and accepted by other directory assistance providers.

We are well aware of the order issued by the Federal Communications Commission (FCC) concerning US West's National Directory Assistance service, as well as the FCC order relating to our own NDA service. That Order requires that Bell Atlantic make available to unaffiliated entities all of the in-region directory listings it uses to provide regionwide directory assistance service, and that Bell Atlantic impute to itself the same rates that it charges to others for access to these listings. Please be assured that we comply fully with the terms of that Order.

Your letter, however, requests more than this. You are asking that we replace the current rate for regionwide listings covering fourteen Bell Atlantic jurisdictions with the interim, intrastate rate for one particular state where proceedings are pending. We are aware of no such requirement.

We remain willing to provide you with access to our listings at fair and reasonable prices. We have previously provided you with a copy of our standard agreement and look forward to providing you service pursuant to that agreement.

A handwritten signature in dark ink, appearing to read "Thomas F. Moran".

cc. L. Babbio  
D. Drinkwater